

TFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

ROSE et al.

Serial No.: 10/775,575

Filed: February 9, 2004

Atty. File No. 4018-1-CON-2

For: "PRODUCT AND METHOD FOR  
TREATING JOINT DISORDERS IN  
VERTEBRATES"

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450



) Group Art Unit: 1643

) Examiner: COE, SUSAN D.

) TERMINAL DISCLAIMER TO OBVIATE A  
) PROVISIONAL DOUBLE PATENTING  
) REJECTION OVER A PRIOR PATENT

"EXPRESS MAIL" MAILING LABEL NUMBER: EV539128562US  
DATE OF DEPOSIT: 12/13/04

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING  
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE  
"EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER  
37 C.F.R. 1.10 ON THE DATE INDICATED ABOVE AND IS  
ADDRESSED TO THE COMMISSIONER FOR PATENTS, P.O. BOX  
1450, ALEXANDRIA, VA 22313-1450.

TYPED OR PRINTED NAME: Amy S. Duarte

SIGNATURE: *Amy Duarte*

Dear Sir:

The owner, In Clover, Inc., of 100% interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior Patent Nos. 6,709,682; 6,344,220; and 5,916,565 as the term of said prior patents is defined in 35 U.S.C. 154 and 173, and as the term of said prior patents is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant applications and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patents, "as the term of said prior patents are is presently shortened by any terminal disclaimer," in the event that said prior patents later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;

- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The evidentiary documents accompanying or referred to in the instant Terminal Disclaimer have been reviewed by the undersigned and it is certified that to the best of assignee's knowledge, title is in the assignee. A check for the statutory disclaimer fee of \$65.00 as specified under 37 CFR 1.20(d) is enclosed herewith.

Respectfully submitted,

SHERIDAN ROSS P.C.

By: 

Joseph E. Kovarik  
Registration No. 33,005  
1560 Broadway, Suite 1200  
Denver, Colorado 80202-5141  
(303) 863-9700

Date: 12/13/04